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August 28, 2009

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First-Class Mail

Hon. Leonard D. Wexler
Senior United States District Judge
Long Island Federal Courthouse
944 Federal Plaza
Central Islip, New York 11722

Re. Englander v. DiNapoli, CV 09-02498 (LDW/ETB)

Dear Judge Wexler:

Pursuant to the Stipulation and Order entered on July 29, 2009 (Docket Entry 5), I am forwarding herewith the Decision of the Honorable Gerald W. Connolly, A.J.S.C., in *D'Agostino v. DiNapoli*, Index No 8134-08 (Sup. Ct. Albany Co. Aug. 20, 2009).

Consistent with the decision in *D'Agostino*, the Office of the State Comptroller will be resuming the payment of pension benefits to Plaintiff Englander, and will be paying him any arrears presently owing. In addition, the Comptroller will be affording Plaintiff with appropriate due process before taking further measures to suspend or revoke his retirement benefits or service credits.

Respectfully submitted,

s/ Douglas J. Goglia
Douglas J. Goglia
Assistant Attorney General

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Senior United States District Judge

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cc. Hon. E. Thomas Boyle
United States Magistrate Judge
United States District Court
100 Federal Plaza
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